

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHRISTOPHER MANHART, *individually and on behalf
of all others similarly situated,*

Plaintiff,

v.

AJP EDUCATION FOUNDATION, INC. d/b/a
AMERICAN MUSLIMS FOR PALESTINE, WESPAC
FOUNDATION, INC., NATIONAL STUDENTS FOR
JUSTICE IN PALESTINE, DISSENTERS, EDUCATION
FOR A JUST PEACE IN THE MIDDLE EAST, d/b/a US
CAMPAIGN FOR PALESTINIAN RIGHTS, JEWISH
VOICE FOR PEACE, TIDES CENTER, d/b/a
COMMUNITY JUSTICE EXCHANGE, JINAN
CHEHADE, SUPERIOR MURPHY, RIFQA FALANEH,
and SIMONE TUCKER,

Defendants.

No. 1:24-cv-8209

Hon. Mary L. Rowland

Magistrate Judge Keri L.
Holleb Hotaling

**DEFENDANT WESPAC FOUNDATION, INC.’S MOTION TO DISMISS PLAINTIFF’S
FIRST AMENDED COMPLAINT**

Defendant WESPAC Foundation, Inc. (“WESPAC”), by and through its attorneys, pursuant to Rule 12(b)(2) and (6) of the Federal Rules of Civil Procedure, hereby respectfully moves this Court for an Order dismissing Plaintiff’s First Amended Complaint with prejudice. In support of this motion, WESPAC submits the accompanying memorandum of law, and for the Court’s convenience and to avoid needless duplication, adopts and incorporates by reference the arguments applicable to all Defendants contained in their memoranda of law submitted or to be submitted, including that of Defendant Jewish Voice for Peace. In addition, WESPAC states as follows:

1. The arguments applicable to all defendants which WESPAC adopts and incorporates by reference include, without limitation, that: (1) this SLAPP suit should be dismissed pursuant to the Illinois Citizen Participation Act; (2) there is no private right of action for obstructing highways under Illinois law; (3) Plaintiff lacks standing to maintain a suit for public nuisance; (4) Plaintiff fails to state a claim for false imprisonment; and (5) Plaintiff fails to state claims for in-concert and conspiracy liability.

2. With respect to WESPAC specifically, the First Amended Complaint alleges only that WESPAC has acted generally as a fiscal sponsor to National Students for Justice in Palestine (“NSJP”), *i.e.*, collecting donations for and disbursing them to NSJP, promoted unspecified NSJP events through its social media accounts, and “indicated that their missions were aligned.” But now, unlike in the original Complaint, Plaintiff is careful not to allege that WESPAC promoted, raised money for, or did anything else relating to any protest at O’Hare.

3. Accordingly, WESPAC’s accompanying memorandum of law focuses on the two independent reasons why Plaintiff’s First Amended Complaint fails specifically against WESPAC.

4. First, Plaintiff fails to state a claim. Plaintiff’s wild theory – that WESPAC’s acting generally as a fiscal sponsor automatically makes NSJP an agent of WESPAC’s, thereby subjecting it to vicarious liability for anything NSJP allegedly does to anyone, anywhere – has no legal basis and actually flies in the face of agency law. Given the fatal failings in Plaintiff’s legal theories and the absence of any factual allegation specifically tying WESPAC to the O’Hare protest, Plaintiff has failed entirely to plead plausible claims against WESPAC.

5. Second, there is no basis to exercise personal jurisdiction over WESPAC which, as Plaintiff concedes, is a New York entity. Plaintiff does not allege that WESPAC did anything in

Illinois, let alone engage in tortious conduct in the state. Thus, there cannot be general or specific personal jurisdiction here.

WHEREFORE for all the reasons stated in this motion and accompanying memoranda of law in support, Defendant WESPAC respectfully requests that this Court enter an Order (1) dismissing Plaintiff's First Amended Complaint with prejudice; and (2) granting any other relief to WESPAC that the Court deems just and proper.

Dated: January 22, 2025

HERBST LAW PLLC

/s/ Robert L. Herbst

Robert L. Herbst

rherbst@herbstlawny.com

420 Lexington Avenue, Suite 300

New York, New York 10170

Tel: 914-450-8163 Fax: 888-482-4676

Attorneys for Defendant

WESPAC Foundation, Inc.

CERTIFICATE OF SERVICE

I, Robert L. Herbst, an attorney, certify that I caused copies of the foregoing **DEFENDANT WESPAC FOUNDATION, INC.'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT** to be served on all counsel of record via the Court's electronic filing system.

/s/ Robert L. Herbst
Attorney for WESPAC Foundation, Inc.